

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No.: 5:20-CV-00524-FL**

PAUL TRUETT CANADY, II,
ADMINISTRATOR OF THE ESTATE OF
JIMMIE ANDREW UNDERWOOD, a/k/a
JAMES BLACKMON, a/k/a JAMES
BLACKMAN, a/k/a JIMMY LEE HOOKER

Plaintiff,

v.

JAMES HOLDER, in his individual capacity,
ANDREW MUNDAY, in his individual
capacity, and the CITY OF RALEIGH,

Defendants.

ORDER

This matter was heard on the **Suggestion Of Death And Motion For Substitution Of Party** filed by undersigned counsel on behalf of Paul Truett Canady, II, as the duly authorized representative of the Estate of Jimmie Andrew Underwood, a/k/a James Blackmon, a/k/a James Blackman, a/k/a Jimmy Lee Hooker, for an order to substitute Paul Truett Canady, II, Administrator for the Estate of Jimmie Andrew Underwood, a/k/a James Blackmon, a/k/a James Blackman, a/k/a Jimmy Lee Hooker, as the plaintiff in this action.

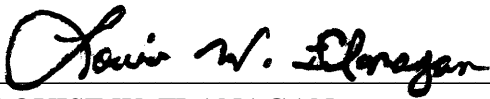
It appears to the Court that:

1. On January 14, 2022, Plaintiff James Blackmon died;
2. On March 17, 2022, Paul Truett Canady was appointed as Administrator for the Estate of Jimmy Underwood, a/k/a James Blackmon, a/k/a James Blackman, a/k/a Jimmy Lee Hooker.

3. On March 22, 2022, Counsel for Plaintiff filed a Suggestion of Death and Motion for Substitution of Party in this matter.
4. The Suggestion of Death and Motion for Substitution of Party were timely and properly filed and served upon all parties and non-parties.
5. Claims made by Plaintiff in the Complaint pending in this case survive his death; and
6. Paul Truett Canady in his capacity as Administrator for the Estate of Jimmy Underwood, a/k/a James Blackmon, a/k/a James Blackman, a/k/a Jimmy Lee Hooker is a proper party to be substituted for the late plaintiff James Blackmon.

IT IS, THEREFORE, ORDERED that the motion is GRANTED and that Paul Truett Canady, II, in his capacity as Administrator for the Estate of James Blackmon is substituted as the Plaintiff in this matter.

Ordered this 7th day of April, 2022.



LOUISE W. FLANAGAN
United States District Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished on April 4, 2022, to the following CM/ECF electronic notice parties via CM/ECF:

Rachel E. Keen
Sonny S. Haynes
Womble Bond Dickinson (US) LLP
One West Fourth Street
Winston-Salem, NC 27101
Rachel.keen@wbd-us.com
Sonny.haynes@wbd-us.com
(336) 721-3632
Attorneys for Defendant Andrew Munday

Daniel Edward Peterson
Jason R. Benton
Parker Poe Adams & Bernstein LLP
620 South Tryon St., Suite 800
Charlotte, NC 28202
danielpeterson@parkerpoe.com
jasonbenton@parkerpoe.com
(704) 372-9000
Attorneys for Defendant James Holder

Dorothy V. Kibler
City of Raleigh Attorney's Office
P.O. Box 590
Raleigh, Nc 27602
Dorothy.kibler@raleighnc.gov
(919) 996-6560

Norwood Pl. Blanchard, III
Crossley McIntosh Collier Hanley & Edes,
PLLC
5002 Randall Parkway
Wilmington, NC 28403
norwood@cmclawfirm.com
(910) 762-9711
Attorneys for Defendant City of Raleigh

/s/ David S. Rudolf
David S. Rudolf